

1 William C. Dresser #104375  
2 Richard Swenson #221586  
3 4 North Second Street, Suite 1230  
4 San Jose, CA 95113-1307  
5 Tel: 408\279-7529  
6 Fax: 408\298-3306

7 Attorneys for Plaintiff  
8 Landmark Home Mortgage, Inc.

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 Landmark Home Mortgage, Inc., Action No. 07-CV-04654-HRL  
14 Plaintiff,

15 vs. Proof of Service of Summons on Jose  
16 Guillermo Flores, Alvin Silbernagel, Atlas  
17 Financial Services, Inc. dba Atlas  
18 Financial Services and Atlas Realty,  
19 Bertha Moreno, Jose Arrellano, Robert  
20 W. Peterson, individually and dba  
21 Peterson Appraisal Group, and Does 1  
22 through 50,  
23 Defendants.  
24 \_\_\_\_\_ /  
25 See attached.

26 Dated: September 25, 2007

  
27 Richard Swenson  
28 Attorneys for Plaintiff  
Landmark Home Mortgage, Inc.

Land-Flo\Pld\POScvrJA.925

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): William C. Dresser, SB 104375 4 North Second Street, Suite 1230 San Jose, CA 95113-1307		FOR COURT USE ONLY
TELEPHONE NO.: 408-279-7529 FAX NO. (Optional): 408-298-3306		
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 191 North First Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Civil Division		
PLAINTIFF/PETITIONER: Landmark Home Mortgage, Inc.		CASE NUMBER: 1-07-CV-090658 <i>Fed Ct. # 07-cv-04654-HRC</i>
DEFENDANT/RESPONDENT: Guillermo Flores, Alvin Silbernagel, Atlas Financial, et al		Ref. No. or File No.:
PROOF OF SERVICE OF SUMMONS		

*(Separate proof of service is required for each party served.)*

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a.  summons
  - b.  complaint
  - c.  Alternative Dispute Resolution (ADR) package
  - d.  Civil Case Cover Sheet (*served in complex cases only*)
  - e.  cross-complaint
  - f.  other (*specify documents*):  
Statement of Damages, Notice
3. a. Party served (specify name of party as shown on documents served):  
Jose Alfredo Arrellano
  - b.  Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (*specify name and relationship to the party named in item 3a*):
4. Address where the party was served:  
3292 Coto Court, San Jose, California 95148
5. I served the party (check proper box)
  - a.  by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): \_\_\_\_\_ (2) at (time): \_\_\_\_\_
  - b.  by substituted service. On (date): 8/15/07 at (time): 11:15 a.m I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): Marcella Arrellano (Mother)
    - (1)  (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2)  (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3)  (**physical address unknown**) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): \_\_\_\_\_ from (city): \_\_\_\_\_ or  a declaration of mailing is attached.
    - (5)  I attach a **declaration of diligence** stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Landmark Home Mortgage, Inc.	CASE NUMBER: 1-07-CV-090658
DEFENDANT/RESPONDENT: Guillermo Flores, Alvin Silbernagel, et al	

5. c.  by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date):
  - (2) from (city):
  - (3)  with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
  - (4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d.  by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a.  as an individual defendant.
- b.  as the person sued under the fictitious name of (specify):
- c.  as occupant.
- d.  On behalf of (specify):

under the following Code of Civil Procedure section:

- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other:                                       |

7. Person who served papers

- a. Name: Nikolaus W. Reed
- b. Address: 4 North Second Street, Suite 1230, San Jose, CA 95113
- c. Telephone number: 408\279-7529
- d. The fee for service was: \$
- e. I am:

- (1)  not a registered California process server.
- (2)  exempt from registration under Business and Professions Code section 22350(b).
- (3)  a registered California process server:
  - (i)  owner  employee  independent contractor.
  - (ii) Registration No.:
  - (iii) County:

8.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 9/25/07

Nikolaus W. Reed

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

1 Landmark v. Flores, et al  
2 Santa Clara County Superior Court  
2 Case: 1-07-CV-090658

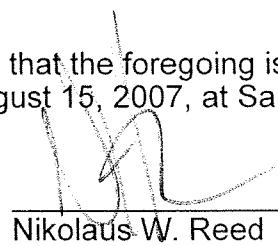
3  
4 PROOF OF SERVICE BY MAIL  
(Certification/Declaration under Penalty of Perjury)

5 I am employed in the County of Santa Clara, California. I am over the age of 18  
years and am not a party to the within action. My business address is:

6  
7 Law Offices of William C. Dresser  
7 4 North Second Street, Suite 1230  
8 San Jose, CA 95113-1307  
8 (408) 279-7529

9 On August 15, 2007, I completed substituted service of the:  
10 Summons, Complaint, Civil Case Cover Sheet, Notice, and Statement of Damages  
11 on Jose Alfredo Arrellano, by placing a true and correct copy thereof, enclosed in a sealed  
12 envelope with postage thereon fully prepaid, in the United States Mail, at San Jose,  
California, addressed as follows:  
13 Jose Alfredo Arrellano  
14 3292 Coto Court, San Jose, California  
14 95148

15  
16 I declare under penalty of perjury that the foregoing is true and correct and that this  
17 Declaration was executed by me on August 15, 2007, at San Jose, California.  
18  
19



Nikolaus W. Reed

20 Land-Flo\pld\PoSJosé.815  
21  
22  
23  
24  
25  
26  
27  
28